



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

REPLY TO THE ATTENTION OF:
A-19J

MAY 22 2009

Christopher Korleski, Director
Ohio Environmental Protection Agency
122 South Front Street
P.O. Box 1049
Columbus, Ohio 43266-1049

Dear Mr. Korleski:

I am writing to you about our continued concern regarding the Ohio Environmental Protection Agency's (OEPA) failure to submit an approvable request for a State Implementation Plan (SIP) revision to the U. S. Environmental Protection Agency reflecting the changes that Ohio is proposing to make to its air pollution control rules pursuant to SB 265. As we conveyed in our June 5, 2008 letter, we can not approve the SIP revision to exempt sources below 10 tons per year (tpy) from best available technology (BAT) requirements without an appropriate "anti-backsliding" demonstration showing that the requested changes will not interfere with attainment of any air quality standard or with any other Clean Air Act (CAA) requirement, under Section 110(l), and does not violate Section 193 requirements in non-attainment areas. While we expect that you can submit information to support a SIP approval for the less than 10 tpy threshold, it is our expectation that no changes in OEPA's permitting procedures be implemented until EPA receives and approves changes to your existing SIP.

OEPA has indicated that it interprets SB 265 to prohibit the issuance of case-by-case BAT for other (greater than 10tpy) minor sources after August 3, 2009. In order to have the existing BAT rules superseded in the SIP, OEPA would need to show that air quality is protected and that the "anti-backsliding" requirements of the CAA are addressed. Please note that, until EPA receives and approves a SIP revision, with appropriate demonstrations, OEPA must continue to apply provisions regarding BAT requirements consistent with what is contained in your currently approved SIP.

As always, EPA is willing to work with OEPA to evaluate options as you continue to move forward to obtain SIP approval. If you have any questions, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Bharat Mathur", is written over a horizontal line.

Bharat Mathur
Acting Regional Administrator